In the High Court of Punjab and Haryana, Chandigarh

CWP No. 16213 of 2006

Date of Decision: October 12, 2006

Gurdas Singh

…Petitioners

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Jagjit Gill, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner was appointed as a Heavy Vehicle Driver on 20.8.2003 on contract basis with the Haryana Roadways. He joined his duty as such at Sirsa. It is an admitted position that the petitioner had filed an affidavit on 20.8.2003 stating, inter alia, that he had never been convicted by any Court of law. The aforementioned statement has been found to be factually incorrect because vide judgment dated 5.1.1999 the Judicial Magistrate Ist Class, Tibbi, had convicted him under Section 279 read with Section 304A IPC and had sentenced him to undergo six months RI and to pay a fine of Rs. 1,000/-. Accordingly, on the discovery of the

aforementioned fact the petitioner was issued a show cause notice on 18.7.2006 (P-7) to which the petitioner filed reply on 7.8.2006 (P-8). On 5.10.2006 the services of the petitioner has been terminated (P-9).

Having heard learned counsel, we are of the view that the petitioner who is a contract employee, did not have any right to hold the post of Heavy Vehicle Driver. He was never accorded the status of a permanent and confirmed employee. Even then principles of natural justice of issuing show cause notice to him and granting him personal hearing, have been complied with as is evident from the perusal of the impugned order dated 5.10.2006 (P-9). It is well settled by various judgments of Hon'ble the Supreme Court that the services of a contract employee could be terminated without holding a regular departmental inquiry. In the present case, there was a material concealment of fact nay misstatement of fact. The petitioner who was convicted on 5.1.1999 had the audacity to file a false affidavit on 20.8.2003 stating that he was never convicted. There is no merit in the petition.

Dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

October 12, 2006
Pkapoor